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**AMENDMENTS TO THE
BIOSOLIDS USE REGULATIONS (12 VAC 5-585)**

12VAC 5-585-310. Additional monitoring, reporting and recording requirements for land application.

A. Either the Operation and Maintenance Manual, sludge management plan, or operating plan, shall contain a schedule of the required minimum tests necessary to monitor land application operations. Such testing schedule information for land application of biosolids shall contain instructions for recording and reporting. Monitoring of any associated land treatment systems shall be in accordance with the biosolids use Operation and Maintenance Manual if provided.

B. The permit holder shall provide to the Department of Health and to each locality in which it is permitted to land apply biosolids, written evidence of financial responsibility, including both current liability and pollution insurance, or such other evidence of financial responsibility as the Board may establish by regulation, in an amount not less than \$1,000,000 per occurrence, which shall be available to pay claims for cleanup costs, personal injury, bodily injury and property damage resulting from the transport, storage and land application of biosolids in Virginia. The aggregate amount of financial liability maintained by the permit holder shall be \$1,000,000 for companies with less than \$5,000,000 in annual gross revenue and shall be \$2,000,000 for companies with \$5,000,000 or more in annual gross revenue.

C. Evidence of financial responsibility, which may include liability insurance, meeting the requirements herein shall be maintained by the permit holder at all times that it is

1 authorized to transport, store or land apply biosolids in Virginia. The permit holder shall
2 immediately notify the Department of Health in the event of any lapse or cancellation of
3 such financial resources, including insurance coverage, as required by this section.

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5 **12 VAC 5-585-460. General.**

6
7 **A.** 12 VAC 5-585-460 through VAC 5-585-500 provide minimum criteria which will be
8 used for reviewing sludge management plans and operating plans. Each plan shall
9 address site specific management practices involving use of biosolids. Final disposition
10 of sludge may involve use or disposal. For the purpose of 12 VAC 5-585-460 through
11 12 VAC 5-585-500, “use” shall include resource recovery, recycling or deriving
12 beneficial use from the material. “Disposal” shall involve the final disposition of a waste
13 material without resource recover, recycling or deriving beneficial use from the material.

14
15 **B.** All practical use options should be evaluated before disposal options are evaluated or
16 selected. Biosolids use practices include land application for agricultural, nonagricultural
17 and silvicultural use and the distribution and marketing of exceptional quality biosolids.
18 Sludge disposal methods include incineration, landfill codisposal, surface disposal, and
19 other dedicated disposal practices, such as burial on dedicated disposal sites.

20
21 **C.** Water quality protection and monitoring provisions shall be included in all sludge
22 management plans and operating plans, except for those land application practices
23 designed for limited loadings (amounts per area per time period) within defined field

1 areas in agricultural use. Groundwater monitoring requirements shall be evaluated by the
2 commissioner for annual application of biosolids to specific sites, reclamation of
3 disturbed and marginal land and application to forest land (silviculture). Submittal of site
4 specific (soils and other) information for each identified separate field area shall be
5 required for issuance of permits 12 VAC 5-585-130. For information regarding handling
6 and disposal of septage, refer to the Sewage Handling and Disposal Regulations, 12 VAC
7 5-610-10 et seq. Septage treated and managed in accordance with standards contained in
8 this chapter is defined as either sewage sludge or biosolids as appropriate.

9

10 **D.** Conformance of biosolids use to local land use zoning and planning should be
11 resolved between the local government and the permit applicant. The permit applicant
12 shall attempt to notify land owners of property within 200 feet and 1,000 feet of the
13 boundaries of sites proposed for frequent use and dedicated sites, respectively, and
14 furnish the division and the Chief Executive Officer, or designee for the local
15 government, where the site is located, with acceptable documentation of such
16 notifications (i.e., intent to land-apply biosolids on the proposed locations). Relevant
17 concerns of adjacent landowners will be considered in the evaluation of site suitability.

18

19 **E.** The requirements for processing approvals of sludge management plans and
20 operational plans are included in 12 VAC 5-585-140 H as well as: (i) requirements for
21 notification of applications, hearings and meetings, (ii) minimum information required
22 for completion of a sludge management plan for land application (Part IV, 12 VAC 5-
23 585-620 et seq.).

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F. At least 15 days prior to commencing land application of biosolids at a permitted site, the permit holder shall deliver or cause to be delivered, written notification that is substantially in compliance with this section, to the Chief Executive Officer, or designee for the local government, where the site is located. If the site is located in more than one County, the information shall be provided to all jurisdictions where the site is located. Sufficiency of such notices shall be determined by the Division.

G. The notification required by this section shall include the following:

1. The name, address and telephone number of the permit holder, including the name of a representative knowledgeable of the permit;
2. Identification, by tax map number and farm service agency (FSA) farm tract number, of parcels on which land application is to take place;
3. A map indicating haul routes to each site where land application is to take place.
4. The name or title, and telephone number of at least one individual designated by the permit holder to respond to questions and complaints related to the land application project;
5. The approximate dates on which land application is to begin and end at the site;
6. The name and telephone number of the person or persons at the Virginia Department of Health to be contacted in connection with the permit;

1 7. The name, address, and telephone number of the wastewater treatment
2 facility, or facilities, from which the biosolids will originate, including the
3 name, or title, of a representative of the treatment facility that is
4 knowledgeable about the land application operation.

5
6 H. The permit holder, shall, within 24 hours of receiving notification of a complaint,
7 commence investigation of said complaint. The permit holder shall confirm receipt of a
8 complaint by phone, e-mail or facsimile to the division, the Chief Executive Officer or
9 designee for the local government, and the owner of the treatment facility from which the
10 biosolids originated, within 24 hours, after receiving the complaint. Complaints and
11 responses thereto shall be documented by the permit holder and submitted with monthly
12 land application reports to VDH and copied to the Chief Executive Officer, or designee
13 for the local government, and the owner of the treatment facility from which the biosolids
14 originated.

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16 **12 VAC 5-585-480. Land acquisition and management control.**

17
18 A. When land application of sludge is proposed, the continued availability of the land
19 and protection from improper concurrent use during the utilization period shall be
20 assured. A written agreement shall be established between the landowner and owner,
21 with the information specified in Table A-1. The responsibility for obtaining and
22 maintaining the agreements lies with the party who is the holder of the permit. Site
23 management controls shall include ~~for~~ access limitations relative to the level of pathogen

1 control achieved during treatment. In addition, agricultural use of sludge in accordance
2 with this chapter ~~will~~ is not to result in harm to threatened or endangered species of plant,
3 fish, or wildlife, ~~not~~ nor result in the destruction or adverse modification of the critical
4 habitat of a threatened or endangered species. Site specific information shall be provided
5 as part of the management or operating plan.

6

7 **B. At least forty-eight (48) hours prior to delivery of biosolids for land application on**
8 **any site permitted under this chapter, the permit holder shall post a sign at the site that**
9 **substantially complies with this section, is visible and legible from the public right-of-**
10 **way and conforms to the specifications herein. If the site is not located adjacent to a**
11 **public right of way, the sign shall be posted at or near the intersection of the public right**
12 **of way and the main site access road or driveway to the site. The Department may grant**
13 **a waiver to this or any other requirement, or require alternative posting options due to**
14 **extenuating circumstances. The sign shall remain in place for at least forty-eight (48)**
15 **hours after land application has been completed at the site.**

16

17 **C. The sign shall be made of weather-resistant materials and shall be sturdily mounted,**
18 **so as to be capable of remaining in place and legible throughout the period that the sign is**
19 **required at the site. Signs required by this section shall be temporary, non-illuminated,**
20 **four square feet or more in area and shall only contain the following information:**

21

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23 1. A statement that biosolids are being land-applied at the site;

- 1 2. The name and telephone number of the permit holder as well as the name, or
2 title, and telephone number of an individual designated by the permit holder to
3 respond to complaints and inquiries;
4 3. Contact information for the Virginia Department of Health, including a
5 telephone number for complaints and inquiries.

6

7 **D.** The permit holder shall promptly replace or repair any sign that has been removed
8 from a land application site prior to forty-eight (48) hours after completion of land
9 application or that has been damaged so as to render any of its required information
10 illegible.

11

12 **12 VAC 5-585-490. Transport.**

13

14 **A.** Transport routes should follow primary highways, should avoid residential areas
15 when possible, and should comply with all Virginia Department of Transportation
16 requirements and standards. Transport vehicles shall be sufficiently sealed to prevent
17 leakage and spillage of sludge. For sludges with a solids content of less than 15%, totally
18 closed watertight transport vehicles with rigid tops shall be provided to prevent spillage
19 unless adequate justification is provided to demonstrate that such controls are
20 unnecessary. The commissioner may also require certain dewatered sludges exceeding
21 15% solids content to be handled as liquid sludges. The minimum information for sludge
22 transport which shall be supplied in the sludge management plan is listed in Part IV (12
23 VAC5-585-620 et seq.).

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B. The permit holder shall be responsible for the prompt cleanup and removal of biosolids spilled during transport to the land application site or to or from a storage facility. The Operations Manual shall include a plan for the prevention of spills during transport and for the cleanup and removal of spills. The permit holder shall ensure that its personnel, subcontractors or the drivers of vehicles transporting biosolids for land application shall be properly trained in procedures for spill removal and cleanup.

C. The permit holder shall take appropriate steps to prevent drag-out and track-out of dirt and debris or biosolids from land application sites onto public roads. Where material is transported onto a paved or public road surface, the road surface shall be cleaned thoroughly as soon as practicable, but no later than the end of each day.

D. The permit holder shall promptly report offsite spills to the Virginia Department of Health, the Chief Executive Officer, or designee for the local government and the owner of the facility generating the biosolids. The report shall be made verbally as soon as possible, but no later than 24 hours after the discovery of the spill. After business hours notification may be provided by voice-mail, facsimile or e-mail.

E. A written report, which shall include a description of measures taken in response to the spill, shall be submitted by the permit holder to the Virginia Department of Health, the the Chief Executive Officer or designee for the local government and the owner of the

1 facility generating the biosolids, within five (5) working days of the spill. The report
2 may be sent by first class mail, facsimile or e-mail, or it may be hand-delivered.

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